

Nays: Armbrister, Bivins, Brown, Haley, Henderson, Krier, Moncrief, Montford, Ratliff, Sibley, Turner.

Absent-excused: Dickson, Ellis, Harris of Tarrant, Harris of Dallas, Johnson, Lucio, Sims.

### THIRTIETH DAY

(Continued)

(Thursday, March 14, 1991)

### AFTER RECESS

The Senate met at 8:00 a.m. and was called to order by Senator Haley.

### REPORTS OF STANDING COMMITTEES

By unanimous consent, Senator Parker submitted the following report for the Committee on Education:

S.B. 27

S.B. 239

C.S.S.C.R. 52

C.S.S.B. 843

By unanimous consent, Senator Glasgow submitted the following report for the Committee on State Affairs:

S.B. 401

C.S.S.J.R. 11

### LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Haley in Chair) announced that the time had arrived for consideration of the Local and Uncontested Bills Calendar.

Pursuant to Senate Rule 9.03(d), the following bills were laid before the Senate, read second time, amended where applicable, passed to engrossment/third reading, read third time and passed: (Vote on Constitutional Three-Day Rule and final passage indicated after the caption of each bill.)

**S.B. 154** (Brooks) Relating to the authority of the Parks and Wildlife Commission to regulate the sale and consumption of alcoholic beverages in an area of Galveston State Park assigned to a concessioner. (24-0)(24-0)

**C.S.S.B. 281** (Johnson) Relating to the definition of an economically disadvantaged individual under the Texas Enterprise Zone Act. (24-0)(24-0)

**S.B. 294** (Armbrister) Relating to the composition and compensation of the juvenile board of Caldwell County. (24-0)(24-0)

**S.B. 299** (Brown) Relating to the authority of a commissioners court to establish direct electronic access to certain county and district court records. (24-0)(24-0)

**S.B. 311** (Whitmire) Relating to the validation of governmental acts and proceedings by municipalities. (24-0)(24-0)

**S.B. 377** (Carriker) Relating to abolishing the long-term care coordinating council for the elderly and transferring its powers to the Texas Department on Aging. (24-0)(24-0)

Pursuant to Senate Rule 7.16, the Presiding Officer laid before the Senate **H.B. 723** in lieu of **S.B. 394**.

**H.B. 723** (Sims) Relating to audits of soil and water conservation districts. (24-0)(24-0)

On motion of Senator Brooks and by unanimous consent, **S.B. 394** was laid on the table subject to the call of the Chair.

Pursuant to Senate Rule 7.16, the Presiding Officer laid before the Senate **H.B. 724** in lieu of **S.B. 395**.

**H.B. 724** (Sims) Relating to a vacancy or removal from office of a director of a soil and water conservation district. (24-0)(24-0)

On motion of Senator Brooks and by unanimous consent, **S.B. 395** was laid on the table subject to the call of the Chair.

**C.S.S.B. 410** (Parker) Relating to the administration of county jails. (24-0)(24-0)

**S.B. 513** (Turner) Relating to the composition of the juvenile board of Houston County. (24-0)(24-0)

#### **CONCLUSION OF SESSION FOR LOCAL AND UNCONTESTED BILLS CALENDAR**

The Presiding Officer (Senator Haley in Chair) announced that the session for the consideration of the Local and Uncontested Bills Calendar was concluded.

#### **MEMORIAL RESOLUTION**

**S.R. 364** - By Truan: In memory of Elliot Grant of Corpus Christi and San Antonio.

#### **CONGRATULATORY RESOLUTIONS**

**H.C.R. 98** - (Sims): Extending congratulations to the Railroad Commission of Texas on the occasion of its centennial.

**S.R. 354** - By Bivins: Extending congratulations to the Tulia High School girls basketball team for winning the Class 3A State title.

**S.R. 355** - By Bivins: Admonishing Senator John Morrow and the State of New Mexico and promising a legal battle should the State of New Mexico continue to dispute the north-south border between New Mexico and Texas.

**S.R. 356** - By Montford: Designating April 2, 1991, as "Lubbock Day" at the State Capitol.

**S.R. 359** - By Green: Recognizing the week of April 21 through 27, 1991, as National Crime Victim Rights Week in Texas.

#### **ADJOURNMENT**

On motion of Senator Brooks, the Senate at 8:12 a.m. adjourned, in memory of Marine Sergeant Candelario Montalvo of Eagle Pass, until 11:00 a.m. Monday, March 18, 1991.

**In Memory****of****United States Marine Sergeant Candelario Montalvo**

Senator Zaffirini offered the following resolution:

**(Senate Resolution 348)**

WHEREAS, The community of Eagle Pass mourns the tragic death of United States Marine Sergeant Candelario Montalvo in the Persian Gulf War; and

WHEREAS, The Senate of the State of Texas joins with the citizens of Eagle Pass and the entire state in mourning the painful loss of this brave Texan who was willing to risk his life for the country he dearly loved; and

WHEREAS, Born on August 23, 1965, the oldest of the six children of Genoveva and Candelario Montalvo, Sr., he spent his youth in Eagle Pass; and

WHEREAS, After graduation from Eagle Pass High School, he attended The University of Texas at San Antonio, where he studied chemical engineering; and

WHEREAS, He joined the Marine Corps in 1984 and, a dedicated and loyal marine, Sergeant Montalvo lived by the Marine Corps motto, "Semper Fidelis," and was indeed faithful to the end; and

WHEREAS, A man of great courage and integrity, Sergeant Montalvo is a worthy Texas hero and brings great honor to his family, community, state, and nation; and

WHEREAS, His strength of character, warmth, and kindness will remain forever cherished in the hearts of his beloved family and many friends; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 72nd Legislature, hereby pay tribute to the exemplary life of Marine Sergeant Candelario Montalvo and extend heartfelt condolences to the members of his family: his wife, Adriana Montalvo; his daughter, Brenda; his brothers, Gregorio, Eloy, Jorge, and Javier Montalvo; and his sister, Sylvia Montalvo; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the members of his family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of Candelario Montalvo.

On motion of Senator Truan and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

The resolution was previously adopted by the Senate on Wednesday, March 13, 1991.

**THIRTY-FIRST DAY**  
(Monday, March 18, 1991)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Green, Haley, Harris of Tarrant, Henderson, Johnson, Krier, Leedom, Lucio, Moncrief, Montford, Parker, Ratliff, Rosson, Sibley, Sims, Tejeda, Truan, Turner, Whitmire, Zaffirini.

Absent-excused: Glasgow, Harris of Dallas, Lyon.

A quorum was announced present.

Pastor Karl A. Gronberg, Gethsemane Lutheran Church, Austin, offered the invocation as follows:

God of life and eternity, in Your gracious love You have breathed into all of us the breath of life. Grant unto each one of Your children the wisdom to discern that which is true and right. May we see in the workings of our society those divine qualities of justice, freedom and mercy. Call us to a vision of life that affirms our common humanity, enriching all of our brothers and sisters with lives of goodness. Forgive us for our disobedience to Your will that so frequently controls our individual and corporate existence, granting us absolution so we might know the power of Your spirit to work together in bringing Your kingdom's presence to our lives. Guide and direct these elected leaders so they will seek to make decisions reflecting Your holy will. May the words of our mouths, the meditations of our hearts and the commitments of our lives be acceptable to You, our creator, redeemer and sanctifier. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 14, 1991, was dispensed with and the Journal was approved.

**LEAVES OF ABSENCE**

Senator Harris of Dallas was granted leave of absence for today on account of important business on motion of Senator Brooks.

Senator Glasgow was granted leave of absence for today on account of important business on motion of Senator Brooks.

Senator Lyon was granted leave of absence for today on account of important business on motion of Senator Brooks.

**CO-AUTHORS OF SENATE BILL 261**

On motion of Senator Zaffirini and by unanimous consent, Senators Carriker, Dickson, Montford, Rosson, Sims, Barrientos, Lucio, Tejeda and Truan will be shown as Co-authors of S.B. 261.

**CO-AUTHOR OF SENATE BILL 466**

On motion of Senator Johnson and by unanimous consent, Senator Ellis will be shown as Co-author of S.B. 466.